

19. (New) A non-cytotoxic conjugate comprising folate joined to a selective moiety, wherein said selective moiety comprises an epitope selected from the group consisting of  $\alpha$ -galactosyl, a blood group antigen, a xenoantigen, HIV, a vaccine antigen, a superantigen, a minor histocompatibility antigen, an anti-idiotypic antibody, and a variable region of an anti-idiotypic antibody.

*21*  
*Cancel*  
20. (New) A conjugate comprising folate covalently joined to  $\alpha$ -galactosyl.

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### REMARKS

Claims 14-20 will be pending upon entry of the amendment. For the Examiner's convenience a copy of the pending claims is appended hereto as Appendix A.

Support for the new claims may be found throughout the specification, for example at page 3, lines 4-9; page 6, line 9; page 7, line 18 through page 9, line 7; page 9, line 7 through page 10, line 8, and in Examples 3-5 at pages 17-30.

### RESPONSE TO REJECTIONS

#### Response to Rejection Under 35 U.S.C. § 112

Claims 1, 2, 4 and 6-8 are rejected under 35 U.S.C. § 112, first paragraph for lack of enablement. The Office Action indicates that the breadth of the recited method of killing a target cell in a mammalian host is not enabled in view of the specification because the claims encompass a method for human therapy. Applicants respectfully traverse. Claims 1, 2, 4 and 6-8 have been cancelled herein. Applicants submit that new claims 14-36 are fully enabled by the specification.

The specification teaches one of ordinary skill in the art how to make and use the presently-claimed conjugates without undue experimentation. For example, at page 9, line 8, through page 10, line 8, the specification provides direction and guidance for preparing conjugates. Further, the specification exemplifies methods for preparing conjugates in Examples

1-3 (pages 12-18). The specification also provides direction and guidance for using conjugates, for example, at page 10, line 18 through page 11, line 15. Further, the specification exemplifies methods for using conjugates in Examples 4-5 (pages 18-31).

Because the specification teaches how to make and use the claimed conjugates, Applicants respectfully request the Examiner to withdraw this rejection.

Response to Rejections Under 35 U.S.C. § 102

Claims 1, 2 and 6 stand rejected under 35 U.S.C. § 102(b) as anticipated by EP 0510949 (Pouletty). Applicants respectfully traverse the rejection. Claims 1, 2 and 6 have been cancelled herein. Applicants submit that new claims 14-20 are not anticipated by Pouletty.

New claims 14-20 are drawn to conjugates that contain folate. Pouletty does not teach or suggest use of folate in a conjugate. Accordingly, Pouletty does not teach the claimed invention. Because the cited reference does not teach the claimed invention, Applicants respectfully request the Examiner to withdraw this rejection.

Claim 1 is rejected under 35 U.S.C. § 102(b) as being anticipated by EP 0180171 (Kranz et al.). Applicants respectfully traverse the rejection. Claim 1 has been cancelled herein. Applicants submit that new claims 14-20 are not anticipated by Kranz et al.

New claims 14-20 are drawn to conjugates that contain folate. Kranz et al. do not teach or suggest use of folate in a conjugate. Accordingly, Kranz et al. do not teach the claimed invention. Because the cited reference does not teach the claimed invention, Applicants respectfully request the Examiner to withdraw this rejection.

Claims 1, 2 and 6-8 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,334,379 to Pillai *et al.* Applicants respectfully traverse the rejection. Claims 1, 2 and 6-8 have been cancelled herein. Applicants submit that new claims 14-20 are not anticipated by Pillai et al.

New claims 14-20 are drawn to conjugates that contain folate. Pillai et al. do not teach or suggest use of folate in a conjugate. Accordingly, Pillai et al. do not teach the claimed invention. Because the cited reference does not teach the claimed invention, Applicants respectfully request the Examiner to withdraw this rejection.

Response to Rejections Under 35 U.S.C. § 103

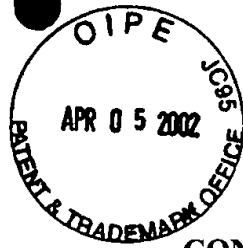
Claim 4 stands rejected as being unpatentable over EP 0510949 (Pouletty) in view of the prior art disclosed in the specification (p. 9, first complete paragraph). Applicants presume the art referred to in the Office Action is the art disclosed on page 8. Applicants respectfully traverse the rejection. Claim 4 has been cancelled herein. Applicants submit that new claims 14-20 are not taught or suggested by Pouletty or the references on page 8.

New claims 14-20 are drawn to conjugates that contain folate. Neither Pouletty nor the references on page 8 teach or suggest use of folate in a conjugate. Accordingly, Pouletty and the references on page 8 do not teach or suggest the claimed invention. Because the cited references do not teach or suggest the claimed invention, Applicants respectfully request the Examiner to withdraw this rejection.

Claims 1, 7 and 8 are rejected under 35 U.S.C. § 103 as being unpatentable over Kranz *et al.* in view of U.S. Patent No. 5,298,395 to Park *et al.* Applicants respectfully traverse the rejection. Claims 1, 7 and 8 have been cancelled herein. Applicants submit that new claims 14-20 are not taught or suggested by Kranz et al. or Park et al.

New claims 14-20 are drawn to conjugates that contain folate. Neither Krantz et al. nor Park et al. teach or suggest use of folate in a conjugate. Accordingly, Krantz et al. and Park et al. do not teach or suggest the claimed invention. Because the cited references do not teach or suggest the claimed invention, Applicants respectfully request the Examiner to withdraw this rejection.

U.S.S.N. 08/630,383  
Filed April 10, 1996

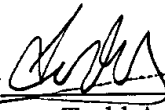


CONCLUSION

For the foregoing reasons, Applicants submit that the claims are now in condition for allowance. A notice to that effect is respectfully requested. Should the Examiner be of the opinion that any outstanding matters exist which may be addressed by way of a telephone conference call, he is invited to contact the undersigned to discuss such matters.

Respectfully submitted,

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Appendix A – Pending claims

14. A non-cytotoxic conjugate for administration to a mammalian host, said conjugate comprising folate joined to a selective moiety,

wherein said selective moiety comprises an antigen to which the host has been previously sensitized or to which the host has natural immunity.

15. The conjugate of Claim 14, wherein said selective moiety is selected from the group consisting of a blood group antigen, a xenoantigen, and at least a portion of a vaccine antigen.

16. The conjugate of Claim 14, wherein said selective moiety binds to anti- $\alpha$ -gal antibodies.

17. The conjugate of Claim 16, wherein said selective moiety is the  $\alpha$ -galactosyl epitope.

18. The conjugate of Claim 14, wherein said selective moiety comprises an antigen selected from the group consisting of an oligosaccharide A antigen, an oligosaccharide B antigen, a vaccine antigen, an anti-idiotypic antibody, and a variable region of an anti-idiotypic antibody.

19. A non-cytotoxic conjugate comprising folate joined to a selective moiety, wherein said selective moiety comprises an epitope selected from the group consisting of  $\alpha$ -galactosyl, a blood group antigen, a xenoantigen, HIV, a vaccine antigen, a superantigen, a minor histocompatibility antigen, an anti-idiotypic antibody, and a variable region of an anti-idiotypic antibody.

20. A conjugate comprising folate covalently joined to  $\alpha$ -galactosyl.